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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,877	11/26/2003	Michael Franke	10191/3424	1696
26646	7590	01/21/2005	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			TRAN, DALENA	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/722,877	Applicant(s) FRANKE, MICHAEL	
	Examiner Dalena Tran	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/20/04, 8/9/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant(s)

1. This application has been examined. Claims 1-5 are pending.
2. The prior art submitted on 7/20/04, and 8/9/04 have been considered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, are rejected under 35 U.S.C.103(a) as being unpatentable over Trauner et al. (US 2002/0070852 A1) in view of Breed et al. (US 2002/0059022 A1).

As per claim 1, Trauner et al. disclose a driver information system for a motor vehicle, comprising: an operator control for operating a driver information system (see at least [0012] through [0015]), a first device for detecting travel of the vehicle (see at least [0019] through [0020]), and a control for at least one of limiting and preventing an operation of the driver information system via the operator control in the case that vehicle travel is recognized, the control being adapted to at least one of at least partially cancel the limitation and prevent the operation of the driver information system (see at least [0017] through [0021]). Trauner et al. do not disclose detecting an occupancy of a passenger seat of the vehicle. However, Breed et al. disclose detecting an occupancy of a passenger seat of the vehicle (see at least the abstract; and [0071]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Trauner et al. by combining detecting an occupancy of a

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passenger seat of the vehicle to accurate limiting and preventing operation of the driver information depending on the state of the vehicle whether there is present of the driver in the vehicle or not.

Also, as per claim 2, Breed et al. disclose a seat belt for a safety belt assigned to the passenger seat emits a signal indicating the occupancy of the passenger seat (see at least [0126]).

As per claim 3, Breed et al. disclose the passenger seat has a sensor for emitting a signal indicating the occupancy of the passenger seat (see at least [0148], and [0155]).

As per claim 4, Breed et al. disclose the sensor is a weight sensor (see at least [0067]).

As per claim 5, Trauner et al. disclose wherein at least one of the partial cancellation of the limitation and prevention of the operation of the driver information system includes tasks that are limited compared to standstill of the vehicle via an output device of the driver information system (see at least [0017] to [0018]).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

. Borugian (US 2003/0095046 A1)

. Fromelius (6,581,996)

. Borugian (6,701,231)

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 703-308-8223. The examiner can normally be reached on M-F (7:30 AM-5:30 PM), off every other Friday.

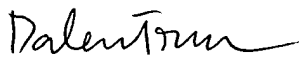
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703-305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

Dalena Tran



January 19, 2005